

PATENT  
450100-03183**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 3, 5-9, 11-12, 14-18, and 20 are in the present application. It is submitted that these claims, are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 3, 5-7, 12 and 14-16 were rejected under 35 U.S.C. § 102 as being anticipated by Miyasaka et al. (U.S. Patent 5,991,503). Claims 3, 6-8, 11-12, 15-17, and 20 were rejected under 35 U.S.C. § 102 as being anticipated by Yamamoto et al. (U.S. Patent 6,628,890).

The present claims now recite "the first marker packet and the second marker packet include unique packet identifiers not otherwise used in transport stream packets in the received stream." (Claims 3, 8, 12, and 17) As shown in Figure 5, the present invention places a unique PID in the start (first) marker packet and the end (second) marker packet surrounding each I picture in the MPEG encoded transport stream. The start and end marker packet PIDs are not used by any other packets in the stream. (Specification page 23, lines 12-18)

Miyasaka discloses writing an I picture index into the header of the I picture packets. (Column 9, lines 55-56; Column 10, lines 12-15) Similarly, Yamamoto discloses using a PES

PATENT  
450100-03183

packet to indicate the start of an I picture packet. (Figure 2) The Examiner contends these disclosures should be interpreted as analogous to the present invention's first marker packet. However, neither Miyasaka nor Yamamoto discloses that these 'first marker packets' contain "unique packet identifiers not otherwise used in transport stream packets" as required in the present claims.

Moreover, the Examiner apparently believes that the header of a subsequent packet (i.e. the next 'first marker packet') can be interpreted as being analogous to the present invention's second marker packet. However, the present claims require the first and second marker packets each have unique PIDs. But, a subsequent header as taught in Miyasaka and Yamamoto would have the same PID as the first header. Hence, Miyasaka and Yamamoto fail to meet the second marker packet having a unique packet identifier as required in the present invention.

Accordingly, Miyasaka and Yamamoto each fail to anticipate the present invention, and the rejected claims should now be allowed.

Claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyasaka et al. in view of Mercier. Claims 6-7 and 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyasaka et al. in view of Hirabayashi et al. (U.S. Patent 6,002,834). Claims 5, 9, 14 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Mercier. Mercier and Hirabayashi are relied upon solely to meet limitations in the dependent claims. Mercier and Hirabayashi, like Miyasaka and Yamamoto as discussed above, fail to meet the second marker packet limitation of the present invention, and the rejected claims should now be allowed.

PATENT  
450100-03183

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By: 

William S. Frommer  
Reg. No. 25,506  
(212) 588-0800